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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,298	06/17/2000	Uday R. Parekh	TQIP-0002	1742

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/02/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/596,298

Applicant(s)

PAREKH ET AL.

Examiner

Ovidio Escalante

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other:  |

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## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement submitted on September 29, 2000 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

### *Specification*

2. The disclosure is objected to because of the following informalities: In page 2, line 22 the Application Serial number should be entered. Appropriate correction is required.

### *Drawings*

3. The drawings are objected to because in page 8, line 4, the disclosure indicates the ACP to be 100 and the SSU as 110, however, the drawings indicate 110 to be the ACP. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. US Patent 5,495,522.

***Regarding claim 21***, Allen teaches a system for managing deletion of files stored in a storage unit, (col. 26, lines 38-67), comprising:

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a file structure including directories, each of said directories designated to contain only files created during particular periods of time, (col. 26, lines 45-47; files are created and assigned names that correspond to the date. A group of files with the same date forms a directory in which all files with the same date are stored or deleted together when a predetermined period of time passes); and

a controller, associated with said storage unit, that recovers storage capacity in said storage unit by deleting an entire one of said directories based on said particular periods of time, (col. 26, lines 38-67).

***Regarding claim 22***, Allen teaches wherein said files are recordings created during said particular periods of time, (col. 6, lines 24-27; col. 26, lines 45-47).

***Regarding claim 23***, Allen teaches wherein said controller deletes an oldest one of said directories, (col. 26, lines 38-67).

***Regarding claim 24***, Allen teaches wherein said particular period of time is one day, (col. 26, lines 45-47).

***Regarding claim 25***, Allen teaches wherein said storage unit is a disk storage unit, (col. 26, lines 38-67).

***Regarding claim 26***, Allen teaches wherein selected ones of said files are removed from one of said directories before said controller deletes said directory, (col. 26, lines 38-67).

***Regarding claim 27***, Allen teaches wherein said controller deletes said one of said directories by deleting said files contained in said directory and renaming said one, (col. 26, lines 38-67).

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***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-5,7-12,14-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elazar US Patent 6,542,602 in view of Kataoka US Patent 6,553,183.

***Regarding claims 1 and 8***, Elazar teaches an automated call placement system (fig. 1) having a switching service unit (ACD System 10), a call monitoring unit (16,18/24) capable of

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monitoring a selected one of lines coupled to said switching service unit, (col. 6, line 53-col. 7, line 3) and a method of making a recording of a conversation occurring on a selected one of lines coupled to said switching service unit, (16 and 18/24), (col. 6, line 65-col. 7, line 3), comprising:

a recorder, (voice logger 28), coupled to said call monitoring unit, that monitors a call carried on said selected one of said lines and creates a recording of said call on a storage medium associated therewith, said storage medium being of finite capacity, (col. 7, lines 8-19); and

a recorder controller, (event manager 32), coupled to said recorder, that audibly reproduces said call to a user in real time and allows said user to preserve said recording, (col. 12, lines 34-58).

Elazar does not specifically teach causing the recording to be subject to eventual overwriting and thus preserving the recording to delay said overwriting.

Kataoka teaches that it was well known in the art to have a recording system that is subjected to overwriting based on the fact that the memory only has a finite amount of space, (col. 2, lines 4-14,31-42,58-67). One of ordinary skill in the art would have used a memory that overwrites so that recordings can be continuous and not be terminated due to lack of memory space.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Elazar by allowing the system to overwrite recordings, as taught by Kataoka so that there will be no interruption in reproduced audio.

***Regarding claims 2 and 9***, Elazar in view of Kataoka teaches wherein said recorder controller allows said user to preserve said recording to prevent said overwriting, (col. 12, lines 39-58).

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**Regarding claims 3,10 and 16**, Elazar teaches wherein said recorder is a digital recorder, (col. 8, lines 21-36).

**Regarding claims 4,11 and 17**, Elazar teaches wherein said storage medium comprises a disk, (the storage medium 45 is a hard disk drive; fig. 1).

**Regarding claims 5,12 and 18**, Elazar teaches wherein said storage medium contains a plurality of recordings arranged in directories according to a date on which said recorder created said plurality of recordings, (col. 4, lines 57-66; col. 7, lines 26-35).

**Regarding claims 7,14 and 20**, Elazar in view of Kataoka teaches wherein said recording is subject to overwriting on an aged basis, (col. 2, lines 58-67).

**Regarding claim 15**, Elazar teaches an automated call placement system (ACD; fig. 1), comprising:

switching service unit (ACD 10; col. 6, lines 40-47);

plurality of stations coupled to said switching service unit (22/14); (col. 6, lines 40-52);

call monitoring unit capable of monitoring a selected one of lines coupled to said switching service unit, (col. 6, line 53-col. 7, line 3);

storage medium associated with said call monitoring unit, (col. 7, lines 8-19);

recorder, coupled to said call monitoring unit, that monitors a call carried on said selected one of said lines and creates a recording of said call on a storage medium, said storage medium being of finite capacity, (col. 7, lines 8-19); and

a recorder controller, coupled to said recorder, that audibly reproduces said call to a user in real time and allows said user to preserve said recording, (col. 12, lines 34-58).

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Elazar does not specifically teach causing the recording to be subject to eventual overwriting and thus preserving the recording to delay said overwriting.

Kataoka teaches that it was well known in the art to have a recording system that is subjected to overwriting based on the fact that the memory only has a finite amount of space, (col. 2, lines 4-14,31-42,58-67). One of ordinary skill in the art would have used a memory that overwrites so that recordings can be continuous and not be terminated due to lack of memory space.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Elazar by allowing the system to overwrite recordings, as taught by Kataoka so that there will be no interruption in reproduced audio.

10. Claims 6,13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elazar in view of Kataoka and further in view of Pezzullo et al. US Patent 6,064,732.

***Regarding claims 6,13 and 19***, Elazar and Kataoka, as applied above, do not specifically teach of the recorder controller is an ADSI capable device.

Pezzullo teaches that it was well known in the art to have a ADSI device which has a controller that used for recording telephone calls, (col. 2, lines 5-53). Pezzullo teaches that one of ordinary skill in the art would use ADSI so that service can be improved.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Elazar by using a ADSI device as the recorder as taught by Pezzullo so that the overall use of the device can be improved; col. 2, lines 5-53, Pezzullo.



*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker et al. US Pub. 2002/0150232 teaches of a method for recording and storing telephone call recordings

Lijstrand et al. US Pub. 2001/0038689 teaches of a method for recording conversations.

Gainsboro US Pub. 2002/0071537 teaches of a method for recording conversations.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante  
Examiner  
Group 2645  
April 28, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

